THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.19646 OF 2005

DATED:6.9.2005

Between:

Abbas Bee, W/o.Nijab Khan

R/o.7-42, Medchal Village and Mandal

Ranga Reddy District

…Petitioner

And

Ponnala Laxmi Bai

W/o.Shankar,

M/s.Medchal Village and Mandal

Ranga Reddy District, and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.19646 OF 2005

ORDER:

The petitioner filed a revision petition under Section 9 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short, the Act) before fourth respondent. The same was filed against proceedings of fifth respondent dt.23.4.2005. It appears, the petitioner herein filed a document showing that she filed a suit for injunction being O.S.No.186 of 2004 on the file of the Court of Principal Junior Civil Judge, Medchal. For that reason, the reivisonal authority got issued impugned Memo dt.9.7.2005 to the effect that the revision petition is not maintainable in view of pendency of the suit. The Joint Collector placed reliance on the decision of this Court in **Velagapudi Satyanarayana v. District Collector, Nalgonda.** After perusing the said judgment, this Court is of the opinion that said decision has no application to the question that was for consideration before the Joint Collector. Further, a reading of

Section 8(2) of the Act and Rule 9(1)(iv)(c)(ii) of A.P. Rights in Land and Pattadar Pass Books Rules, 1989 (for short, the Rules) would makes it amply clear that unless a suit filed by either of the parties is a suit for establishment of better title, that is to say declaratory suit, a suit for injunction is not one which is a bar for exercise of jurisdiction under the provisions of the Act and the Rules. This legal position is not denied by the State.

Accordingly, this Writ Petition is allowed at the admission stage, and the impugned Memo is set aside and the matter is remanded to the Joint Collector, Ranga Reddy District, to dispose of the revision petition filed by the petitioners in File No.D5/3265/2005 in accordance with merits, after giving notice to petitioner and respondents 1 to 3 herein. This exercise may be completed within a period of three months from the date of receipt of a copy of this order.

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(V.V.S.RAO, J)

6.9.2005

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Note:CC in 3 days.

(B.O)

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